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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,701	10/06/2003	Daisuke Matsubara	16869B-091200US	6171
20350 7590 09/07/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER CHEA, PHILIP J	
			ART UNIT 2153	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/680,701

Applicant(s)

MATSUBARA ET AL.

Examiner

Philip J. Chea

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/6/03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

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DETAILED ACTION

Claims 1-21 have been examined.

Claim Objections

1. Claim 21 is objected to because of the following informalities: Note line 3, "messag" is apparently *message*. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2,8-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Decasper et al. (US 2007/0192474), herein referred to as Decasper.

As per claims 1,10,14,19, Decasper discloses a method for accessing information in a peer to peer network comprising:

storing information among a plurality of peer client systems, wherein the information can be access by the peer client systems, the information collectively referred to as information sources (see paragraph 48, describing how peer client systems can have information stored as content objects and downloads can be made directly from a peer client to retrieve content from another peer client);

storing location information, the location information indicative of the location of each information source, wherein the peer client systems can access the location information in order to determine a location of an information source (see paragraph 49, where a client can query a master controller for

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location information regarding the location (e.g. content servers, peer clients, or peer client appliances) of content objects);

generating one or more subscriptions, each subscription being associated with an information source and with one or more peer client systems (see paragraph 31, where crawling the network environment (e.g. content servers, peer clients, peer client appliances of paragraph 49) for an information source (i.e. content) implies that the subscription is associated with one or more peer client systems);

detecting a modification to an information source, referred to as a modified information source (see paragraph 31, where periodic checks determine if there is any new content (i.e. modified information));

if there is a subscription that is associated with the modified information source, then communicating an alert message to each peer client system that is associated with the subscription (see paragraph 72, where each client is notified of new content (i.e. a modified information source));

wherein each peer client system that receives an alert message can access an information source that is associated with the alert message, a copy of the information source being stored in another peer client system (see paragraphs 61-62, describing how the master controller keeps track of where the content is located, since master controller can give alerts to new content (see paragraph 72), the master controller can allow a peer to download content from another peer);

wherein each peer client system that receives an alert message can access the copy from the other peer client system (see paragraphs 61-62, describing the downloading of content from another peer (i.e. accessing the copy of information)).

As per claim 2, Decasper further discloses that a copy of the information source is stored in a plurality of second peer client systems, wherein each peer client system that receives an alert message can access the copy from any of the second peer client systems (see paragraph 53, indicating that more than one client can have a specific content implying that the peer client system can download from any of the second peer client systems that have content related to the alert).

As per claim 8, Decasper further discloses storing location information comprises each peer client system storing location information of one or more information sources (see paragraph 49);

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generating one or more subscriptions is performed in a server system, the peer client systems communicating with the server system to subscribe to one or more information sources (see paragraph 31); and

detecting a modification to an information source comprises communicating to the server system an indication that a first information source has been modified (see paragraphs 74-75), wherein if the server determines there is a first subscription that is associated with the first information source, then communicating an alert message to each peer client system that is associated with the first subscription (see paragraph 72).

As per claim 9, Decasper further discloses storing location information each peer client system storing location information of one or more of the information sources (see paragraph 49);

generating one or more subscriptions is performed by each peer client system and comprises receiving a subscription request from a first peer client and associating one or more information sources with the first peer client, the one or more information sources identified in the subscription request (see paragraph 31); and

detecting a modification to an information source is performed by each peer client system and comprises receiving an indication that a first information source has been modified (see paragraphs 74-75) and communicating an alert message to each peer client system that is associated with the first subscription if there is a first subscription that is associated with the first information source (see paragraph 72).

As per claim 11, Decasper further discloses in response to receiving an alert message, communicates with the management server to obtain location information for the first information source. (see paragraph 72 and 75).

As per claims 12,21, Decasper further discloses presenting information to a user indicative of receiving the alert message so that the user can decide whether to access the first information source (see paragraph 75).

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As per claims 11,13,16,20, Decasper further discloses that one of the peer client systems automatically accesses an information source that is associated with the alert message (see paragraphs 61-62).

As per claim 15, Decasper further discloses information that identifies one or more of the first information sources, referred to as the modified information sources (see paragraph 75).

As per claim 17, Decasper further discloses displaying information to a user that indicates receipt of the alert message, including displaying information representative of the modified information sources (see paragraph 75);

receive an indication from the user of a selected one of the modified information sources (see paragraph 35); and

access the selected one of the modified information sources (see paragraph 62).

As per claim 18, Decasper further discloses that the alert message includes information that identifies a second information source, the computer system being further configured to determine if the second information source is one of the first information sources, and if so then to access the second information source (see paragraph 75).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Decasper as applied above.

As per claim 3, Decasper further discloses storing location information in a server system, the peer client systems communicating with the server system to access the location information (see paragraph 49);

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generating one or more subscriptions is performed in a server system, the peer client systems communicating with a server system to subscribe to one or more information sources (see paragraph 31); and

detecting a modification to an information source comprises communicating to the server system an indication that a first information source has been modified and communicating to the server information relating to the first information source (see paragraph 31),

wherein the server determines if there is a first subscription that is associated with the first information source and, in response thereto communicates an alert message to each peer client system that is associated with the first subscription (see paragraphs 61-62).

Although the system disclosed by Decasper shows substantial features of the claimed invention (discussed above); it fails to disclose a first and second server system.

Decasper shows that a single server system performs the functions described above (i.e. the master controller). However, it would have been an obvious modification to a person having ordinary skill in the art at the time of the invention to separate any functions performed by a single server into separate server systems. *In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961). A possible advantage of having separate servers to perform the storage and generating would be to split the processing load so that a single server would not be overwhelmed by performing both functions of storage and generating.

As per claim 4, Decasper further discloses that one of the peer client systems automatically accesses an information source that is associated with the alert message (see paragraphs 61-62).

As per claim 5, Decasper further discloses storing location information is performed in a first server system, the peer client systems communicating with the first server system to access the location information (see paragraph 49);

generating one or more subscriptions is performed in the first server system, the peer client systems communicating with the first server system to subscribe to one or more information sources (see paragraph 31); and

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detecting a modification to an information source comprises receiving from a first peer client system an indication that a first information source has been modified (see paragraph 31), wherein if the first server determines that there is a first subscription that is associated with the first information source, then communicating to the first peer client system a list of second peer client systems that are associated with the first subscription (see paragraph 27),

wherein the first peer client communicates an alert message to each second peer client system (see paragraphs 61-62, describing how the master controller keeps track of where the content is located, since master controller can give alerts to new content (see paragraph 72), the master controller can allow a peer to download content from another peer).

As per claim 6, Decasper further discloses that one of the second peer client systems automatically access an information source that is associated with the alert message (see paragraph 27).

As per claim 7, Decasper further discloses that the first information source is modified by the first client system (see paragraph 27, where a first peer acquires the new content first and then distributes the content to the peers).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PJC 10/28/07



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